



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/017,382 | 12/18/2001 | Akseli Anttila | 04770.00030 | 6410 |
| 22907 | 7590 | 10/04/2005 | EXAMINER | |
| BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001 | | | NGUYEN, KIM T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3713 | |

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|-----------------------|-----------------|----------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/017,382 | ANTTILA ET AL. | |
| | Examiner | Art Unit | |
| | Kim Nguyen | 3713 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005 and 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8 and 12-20 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 9-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Upon reconsideration of the restriction requirement issued on 6/28/05, it is determined that the restriction requirement issued on 6/28/05 is withdrawn. Accordingly, all claims 1-20 are examined in this office action.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-6 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US 2002/0004424) in view of Freda, III (US patent No. 5,660,389).

As per claim 1, 4-5 and 13, Nelson discloses a mobile terminal that is capable of receiving a task (paragraph 0062); providing two response options to a first player including sending a response to a task receiver; receiving a player input selecting an option; and performing the selected response option (paragraphs 0063-0064). Further, since Nelson discloses a wireless PDA (paragraphs 0002 and 0037) that is well known to include a processor and a transceiver for sending, receiving, and processing data, Nelson obviously discloses the processor and transceiver. Nelson does not disclose forwarding the task to a second mobile terminal. However, Nelson discloses including a task passing function (paragraphs 0063-0064). Further, Freda suggests passing a

task to a second player (col. 8, lines 64-66). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to pass the task of Nelson to a second player as suggested by Freda in order to facilitate interaction play between the players.

As per claim 6, providing a task in a form of physical task or a proof of the completed physical task as preferred by a designer's preference requires only routine skill in the art.

As per claim 12, Nelson discloses performing steps ii-iv with a predetermined amount of time (paragraph 0077).

3. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US 2002/0004424) in view of Newnam et al (US 2002/0133562).

As per claim 7-8, Nelson discloses displaying the task and the task response on the screen of the video display (paragraphs 0062-0064). Newnam, further, discloses including video data in the task, for example; displaying the text as a trivia question and displaying the four choices as possible answer, or play a video clip related to the trivia question (paragraphs 0032 and 0051), and including video data in the task response, for example, sending a task response in message that includes audio and/video content (paragraphs 0033 and claim 34). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use video or audio data as taught by Newnam in the trivia game of Nelson in order to facilitate interaction play between the players.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Newnam et al (US 2002/0133562).

As per claim 14 and 18, Newnam discloses a method for solving a task using a mobile terminal (paragraph 0028). The method comprises receiving a task from a server (paragraph 0044); and responding to the task by performing submitting a task response to the game server (paragraph 0045).

As per claim 15, Newnam discloses responding the task in a predetermined amount of time (paragraph 0033).

As per claim 16-17, playing trivia game in teams and requiring the game terminals to register with the game server for playing a game in a network would have been well known to a person of ordinary skill in the art at the time the invention was made.

As per claim 19-20, Newnam discloses including video data in the task, for example, displaying the text as a trivia question and displaying the four choices as possible answer, or play a video clip related to the trivia question (paragraphs 0032

and 0051), and including video data in the task response, for example, sending a task response in message that includes audio and/video content (paragraphs 0033 and claim 34).

Allowable Subject Matter

6. Claims 2-3 and 9-11 would be allowable if rewritten to overcome the objections, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

Prior arts of record do not disclose a mobile terminal as set forth in the independent claim 1 in combination with claim 2 or 3.

Response to Arguments

8. Applicant's arguments filed 7/21/05 and 4/8/05 have been fully considered.

a) In view of the applicant's argument on 7/21/05, the restriction issued on 6/28/05 is hereby withdrawn. Claims 1-20 are hereby fully examined for patentability.


b) Applicant's arguments filed on 4/8/05 are moot in view of the new ground of rejections.

Art Unit: 3713

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is 571-272-4441. The examiner can normally be reached on Monday-Thursday during business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on 571-272-7147. The central official fax number for the organization where this application or proceeding is assigned is 571-273-8300.

kn
Date: September 30, 2005



Kim Nguyen
Primary Examiner
Art Unit 3713